

# Town of Weare

## ZONING BOARD OF ADJUSTMENT

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### MEETING MINUTES

Tuesday, April 4, 2012

**\*\*1<sup>st</sup> DRAFT COPY\*\***

**PRESENT:** Jack Dearborn, Chairman; Forrest Esenwine, Member; Malcolm Wright, Member; June Purington, Member; Ian McSweeney, Member; Sheila Savaria, Recording Secretary.

**GUESTS:** Ginger Esenwine, Jonathan Beaupre, Neal & Heleen Kurk

#### **I. INTRODUCTION:**

Chairman Jack Dearborn called this meeting to order at 7:30 PM, explained how the Board does business, and asked the members of the Board to introduce themselves.

#### **II. PUBLIC HEARINGS:**

Case #0312 Three Ponds Revocable Trust  
Special Exception, Article 30-A.3.1  
Construction in the Mt. Dearborn Historic District  
285 Mt. Dearborn Road  
Tax Map 407-130

Neal and Heleen Kurk are requesting to build an 8' x 8' garden shed on their property, approximately 160' from the road. The shed will be built on a granite foundation and use period appropriate materials identical to the ones used on the house. The Kurks need a special exception to build in the historic district.

Forrest Esenwine moved to accept the application as complete; June Purington seconded the motion, all voted in favor.

Neal Kurk read the 7 points on his application:

1. The site is an appropriate location for such a use because the house already exists. The shed is compatible with the existing house, and the area is being developed in a way that is consistent with the purposes of the district.
2. There will be no adverse effect on surrounding properties because the shed is small, you cannot see it from the road, and there will be no effect to surrounding properties.
3. There will be no additional traffic as a result of the building of the shed.
4. There will be no undue burden to the town because it will not require any additional services.
5. Adequate off street parking is unnecessary because the shed will not generate any additional traffic.
6. A buffer is not necessary because it is in harmony with the district and set far back from the road.
7. Any restrictions that the ZBA wishes to apply, the Kurks will adhere to.

Jack Dearborn closed the public hearing at 7:45 pm.

Forrest Esenwine moved to approve the special exception for Case #0312; June Purington seconded, all voted in favor.

Case #0412 Jonathan Beaupre  
Special Exception, Article 19.1.10  
Permission to build and In-Law Apartment at 221 Gould Road  
Tax Map 411-209 in the Rural Conservation district

The applicant wants to build an apartment in his walk-out basement for visiting relatives that will not exceed 650 square feet. The current septic system is built large enough for 5 bedrooms, so it is large enough to support the addition.

1. The applicant will not be impeding on neighbors, they are on located on a wooded private lot, and this is nothing out of ordinary in the area.
2. There will be no adverse effect on surrounding properties because the proposed use is contained within the current building and it will not affect properties.
3. There will be no nuisance or hazards and parking is about 800 feet off the road.
4. There will not be a burden to the town and there will be no additional demand on service.
5. There is adequate parking for 4 cars.
6. The applicant feels a buffer is not required because the property is set back far off road and they can barely see their neighbors.
7. The applicant would comply with any conditions set by the ZBA.

Jack Dearborn closed the public hearing at 7:50 pm.

Forrest Esenwine moved to grant the special exception for case #0412 with the stipulation that the usage is for relatives of the owner only; June Purington seconded. Discussion: Malcolm Wright does not support the stipulation to restrict usage to relatives only. Mr. Wright said they have done this in the past and it was wrong. It should be up to the homeowner who lives there, and it is not the ZBA's place to restrict that. Mr. Esenwine said they are granting the special exception to the property and not the homeowner. Ian McSweeney said the ordinance is in reference to a single dwelling which speaks to it being a single unit and the understanding is that you are not renting an additional unit. Mr. McSweeney went on the question how that stipulation could be enforced. June Purington commented that there is nothing in the ordinance that gives the ZBA the power to allow relatives only. Ms. Purington withdrew her second to the motion.

Malcolm Wright moved to accept case #0412; Forrest Esenwine seconded, all voted in favor.

### **III. OTHER BUSINESS:**

Minutes: Forrest Esenwine moved to approve the first draft of the 03/6/12 minutes; June Purington seconded, all voted in favor.

### **IV. ADJOURNMENT:** As there was no other business to come before the board, Forrest Esenwine moved to adjourn at 8:10 pm; Jack Dearborn seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria  
Recording Secretary